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at the time of the detection of the call signal, and
selecting one of the [plural kinds of] first and second
communication protocols to be executed in accordance with the
read information of the communication system.

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 23, 1996. Claims 1-10 remain pending, with Claims 1 and 6 having been amended in terms which more clearly define the present invention.

Claims 1 and 6 are independent. Favorable reconsideration is requested.

In the Office Action, Claims 1-4 and 6-9 were rejected under 35 U.S.C. § 102(e) as anticipated by either U.S. Patent No. 5,436,614 (Rozman et al.), U.S. Patent No. 5,517,557 (Tanaka) or U.S. Patent No. 5,471,522 (Sells et al.). Claims 5 and 10 were rejected under 35 U.S.C. § 103 as obvious over any of these documents. Claims 1-10 were also rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,199,071 (Abe et al.) in view of U.S. Patent No. 5,388,150 (Schneyer et al.). Finally, Claims 1-10 were rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 4,942,598 (Davis) in view of Tanaka or Sells et al.

As shown above, Applicant has amended independent Claims 1 and 6 in terms which more clearly define the present

invention, and submits that the amended claims are patentably distinct from the cited prior art for the following reasons.

Initially, Applicant notes that Rozman et al. has a Section 102(e) date of May 25, 1994, while the present application claims a foreign priority benefit date of March 1, 1994 from Japanese application No. 31386/94. Applicant is currently preparing a sworn translation of the priority application, and will submit it to remove Rozman et al. as a reference against the claims. Accordingly, Applicant will not further address the rejections based on Rozman et al.

The present invention as defined in amended independent Claim 1 is directed to a communication apparatus having two data modems and two protocol modems, and which is capable of executing plural kinds of communication protocols using these modems. More specifically, as shown above, Claim 1 has been amended to recite that the communication protocols include a first communication protocol for setting an operation mode of the first data modem to communicate data by using the first protocol modem to communicate protocol signals, and a second communication protocol for setting the second data modem to communicate data by using the second protocol modem to communicate protocol signals.

The apparatus then further includes a first detection means which detects a call signal, and a second detection means which detects information of a partner station sent between call signals. A memory means stores

information of a communication system of the partner station in association with the information of the partner station. A reading means reads the information of the communication system for detected information of the partner station from the memory means in accordance with the information of the partner station detected by the second detection means at the time of the detection of the call signal, and selects one of the first and second communication protocols to be executed in accordance with the read information of the communication system.

Amended independent Claim 6 is a method claim corresponding to amended Claim 1.

Applicant has carefully reviewed each of the references cited in the Office Action and has failed to find any teaching of either the specific modem structure now required by the claims or the first and second communication protocols utilizing this structure now expressly recited therein. Accordingly, Claims 1 and 6 are believed to be patentably distinguished from the prior art of record, taken separately or together.

The other claims in this application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may

be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 758-2400. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

Abigail Cousins
Attorney for Applicant

Registration No. 29,292

FITZPATRICK, CELLA, HARPER & SCINTO
277 Park Avenue
New York, New York 10172
Facsimile: (212) 758-2982

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